

November 21, 2007

RE: Cody Ammann v. Department of Transportation (WSDOT)
Allocation Review Request ALLO-06-011

Dear Mr. Ammann:

A Director's review telephone conference regarding the allocation of your position (#50051) was scheduled for June 27, 2007 at 9:30 a.m. (Exhibit B). On the morning of June 27, 2007, you called WSDOT to inform them you were out sick. You did not contact our office. We attempted to reach you at your home and work telephone numbers but received no answer. Director's Review Coordinator Karen Wilcox left a voice message informing you that I would be conducting the telephone conference with WSDOT and that you could call me to present the information regarding your case. During the conference call with WSDOT, Janet Kinney, Administrative Officer with the South Central Region, represented WSDOT. Project Engineers Moe Davari and Alex Sanguino also participated in the conference.

The following day, June 28, 2007, you called me, and we discussed the information you submitted in your Director's review request. I then summarized each perspective and emailed a recap of the telephone conferences to both parties (Exhibit C). The following outlines the email correspondence between the parties, as well as additional written responses:

- July 3, 2007 email from Teresa Parsons to Cody Ammann and Janet Kinney, summarizing information from the telephone conferences and asking the parties to submit written responses (Exhibit C).
- July 20, 2007 email from Janet Kinney to Teresa Parsons and Cody Ammann with attached document prepared by Project Engineer Jeff Peters, summarizing Mr. Ammann's TE 2 level work hours spent on the Hydraulics Reports and Access Point Decision Reports (Exhibits D & D1).
- July 20, 2007 email from Teresa Parsons to Janet Kinney and Cody Ammann acknowledging Janet Kinney's email response and asking Cody Ammann to provide a response on or around August 3, 2007 (Exhibit E).

- July 31, 2007 response document from Cody Ammann with attachments 1 - 13, received by the Director's Review Program on August 9, 2007 (Exhibit F).
- August 6, 2007 email from Janet Kinney to Teresa Parsons and Cody Ammann, asking whether or not Mr. Ammann had submitted a response (Exhibit G).
- August 15, 2007 email from Teresa Parsons to Janet Kinney and Cody Ammann, indicating the Director's Review Program had received a written response from Mr. Ammann on August 9, 2007 (Exhibit H).
- August 15, 2007 email from Janet Kinney to Teresa Parsons and Cody Ammann, indicating that Mr. Ammann had not submitted a copy of his response to WSDOT (Exhibit I).
- August 15, 2007 email from Teresa Parsons to Janet Kinney and Cody Ammann, informing Ms. Kinney we would forward a copy of Mr. Ammann's document to WSDOT (Exhibit J).
- August 20, 2007 email from Janet Kinney to Teresa Parsons with a copy to Cody Ammann, requesting additional time to respond to Mr. Ammann's written response, which had been forwarded to her from our office (Exhibit K).
- August 20, 2007 email from Teresa Parsons to Janet Kinney and Cody Ammann, indicating WSDOT could submit a response on or about September 20, 2007 (Exhibit L).
- September 17, 2007 written response with one attachment (TE 1 and 2 class specifications) from Janet Kinney, WSDOT, received by the Director's Review Program on September 20, 2007 (Exhibit M).
- September 21, 2007 email from Cody Ammann to Teresa Parsons, indicating he had received Janet Kinney's response (Exhibit N).

Background

In May 2006, WSDOT's South Central Regional Personnel Office received your Classification Questionnaire (CQ), signed by you on March 24, 2006, requesting your Transportation Engineer 1 (TE 1) position be reallocated to a Transportation Engineer 2 (TE 2). The effective date of the CQ is April 1, 2006, as agreed upon by Local 17 and WSDOT (Exhibit 2). On July 5, 2006, Ms. Kinney, notified you that your position was properly allocated as a TE 1. Ms. Kinney concluded the majority of duties assigned to your position met the TE 1 classification. She also concluded your position was closely supervised (Exhibit 1).

On August 2, 2006, the Department of Personnel (DOP) received your request for a Director's review of WSDOT's allocation decision (Exhibit A).

The following summarizes your perspective as well as your employer's:

Summary of Mr. Ammann's Perspective

You believe you perform Transportation Engineer 2 (TE 2) work because of your work with Hydraulic and Access Point reports. Specifically, you state you have spent a lot of

time on the Hydraulic Report for the storm shed on SR 240 and that Hydraulic and Access Point reports take about 6 or 7 months to complete. While you agree some of your co-workers at the TE 2 and 3 levels look over your work, you disagree that you are closely supervised. You state you have been trained on hydraulics and assert you have been the only person working with hydraulics in your section. You further assert your work has been used as a model for other reports in Yakima. You contend the majority of your work time has been spent working on the hydraulics report for SR 240, and you assert your time sheets reflect such work.

Summary of WSDOT's Reasoning

WSDOT acknowledges you have worked on Hydraulic Reports and Access Point Decision Reports during the time relevant to this review. However, WSDOT contends you were under close supervision while working on these reports and asserts the decision-making assigned to your position does not reach the TE 2 level. WSDOT describes the duties assigned to your position as assistant level duties indicative of the TE 1 class and asserts you performs duties such as designing documentation packages and checking estimates. WSDOT contends your work on the hydraulic report during the relevant timeframe totaled about 19% of your overall work and the Access point report totaled about 7%. Therefore, WSDOT contends the majority of your assigned duties were performed at the TE 1 level.

Director's Determination

This position review was based on the work performed for the period between April 2004 and April 1, 2006, the effective date of your reallocation request. This was the period of time WSDOT reviewed in making the agency's allocation determination, which is the subject of this Director's review.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the separate telephone conferences, as well as the follow-up correspondence. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Transportation Engineer 1 classification.

Rationale for Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The classification questionnaire (CQ) submitted for reallocation (Exhibit 2) describes the majority of your assigned duties (70%) as assisting in the preparation and evaluation of designs and preparing and writing some reports. Specifically, the majority of your duties can be summarized as follows:

- Assist in the preparation of design files utilizing basic design manual applications;
- Assist in the evaluation of alternative designs, preparation of plans, specifications, and estimates;
- Based on project definition and summary, design file, soils report and other technical information, prepare and write some Access Point Decision Reports and Hydraulic Reports. The Access Point Decision Reports include the following:
 - SR 240 Richland Y to Columbia Center I/C
 - I-182/Road 100 Interchange
 - US 395/Columbia Drive to SR 240 I/C Improvements

The CQ lists Jeff Peters, Assistant Project Engineer, as your supervisor. In box 30, Mr. Peters disagrees with your statements on the CQ and indicates you do not perform TE 2 work more than 50% of the time. The Assistant Regional Manager also signed the CQ, agreeing with Mr. Peters' written statement. In response to my question about who assigned you work, you listed four incumbents in TE 3 positions at the time of your request, including Alex Sanguino (Exhibit F). Mr. Sanguino participated in the telephone conference I had with WSDOT, and he concurred with Mr. Peters' statements on the CQ, including the indication in box 31 that your position required close, detailed supervision (Exhibit 2, page 2).

The Transportation Engineer 1 (TE 1) definition states, "[p]erforms a variety of beginning level transportation engineering work under the direct supervision of a higher level engineer."

The distinguishing characteristics at the TE 1 level describe this class as "the entry level for individuals who have attained a Bachelor's degree in civil or structural engineering and/or certification as an Engineer-in-Training." The distinguishing characteristics also note the following:

Work assignments and training are designed to develop professional capabilities, familiarize staff with the procedures and practices of the agency and provide experience in the practical application of engineering concepts and techniques to resolve transportation issues in an on-the-job environment. Assignments and related training develop skills in the broad spectrum of engineering practiced within the Department. Initial work assignments are performed under close supervision and are oriented toward both training/exposure and productivity.

Although the examples of work do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the TE 1 class, as stated on the class specification:

Assists in preparation of design reports utilizing basic design manual applications Prepares access reports, environmental documents and special studies. Researches and writes portions of design reports and assists in the evaluation of alternative designs.

. . .

Assists in the preparation of plans, specifications, and estimates.

The above examples are consistent with the work you described on your CQ as assisting in the preparation and evaluation of designs, plans, specifications, and estimates.

The Transportation Engineer 2 (TE 2) definition states, “[p]erforms transportation engineering work under general supervision.”

The distinguishing characteristics at the TE 2 level characterize this class by the independent application of standard engineering procedures and techniques to accomplish a wide variety of work . . .” The distinguishing characteristics also note the following:

Incumbents generally serve as full production staff or crew leaders. Work is assigned through general instructions and the setting of deadlines by a supervisor who engages in ongoing spot-check review, provides assistance when problems are encountered and reviews completed work. This role may include the leadership of technical support staff and entry level engineers such that incumbents are called upon to direct and train staff.

The level of work, responsibility, and level of difficulty typically performed by the TE 2 class include the following:

Performs responsible project development work such as: field reviews projects; evaluates alternate designs requiring detailed analysis of accident data, capacity studies, hydraulics, etc.; prepares and/or reviews prospectuses, design reports, hydraulics reports, access reports, environmental documents, design estimates . . .

It is undisputed you performed some TE 2 level work while working with the Access Point Decision and Hydraulic Reports, which is consistent with your following statement on the CQ: “I have prepared and written some Access Point Decision Reports and Hydraulic Reports” (Exhibit 2, page 1). In determining how much time you spent on these reports, I considered Mr. Peters’ attachment to the CQ (Exhibit F, attachment 4; also Exhibit D1), the chart of account codes (Exhibit F, attachment 11), and your excel spreadsheet of time (Exhibit F, attachment 12).

In the attachment to the CQ, Mr. Peters summarizes your total work hours spent performing work on the Hydraulics Report (783.5 hours, code 148) and Access Point Decision Report (296.5 hours, code 121) for the period of April 1, 2004 through February 28, 2006. Mr. Peters indicates the totals were taken from your time sheets reflecting that period of time. In her written response, Ms. Kinney clarifies she reviewed your work assignments for the period of April 1, 2004 through February 28, 2006, beginning from the approximate date of your previous CQ (Exhibit 3) to the date you completed the Hydraulics Report. When calculating the total hours over that 23-month period, you spent approximately 19% of the time working on the Hydraulics Report and 7% of the time working on the Access point Decision Report.

When reviewing the period of time relevant to a position review, we typically consider the period of time closest to the reallocation request date, going back at least six months and usually the twelve-month period prior to the date requested at the agency level. The collective bargaining agreement between the International Federation of Professional and Technical Engineers, Local 17, and the State of Washington references reallocation to a class with a higher salary range maximum when "the employee has performed the higher level duties for at least twelve (12) months . . ." (Provision 37.3 Effect of Reallocation, Exhibit O).

During my telephone conference with you, we discussed the time you spent working on the projects you believed were TE 2 level work. In a follow-up email, I asked you to let me know if you disagreed with Mr. Peters' documentation of your hours (Exhibit E) and to provide a summary of your time sheets for the same period of time. I also clarified that I selected the 12-month period of time prior to the effective date of your reallocation request (April 1, 2005 to April 1, 2006) to limit the number of documents you needed to provide. I also stated you could provide time records back as far as April 2004 to be consistent with the 23-month period considered by WSDOT (Exhibit E).

The spreadsheet you included documented hours worked from November 18, 2003 through October 29, 2004 (Exhibit F, attachment 12). From that spreadsheet I considered the hours you worked on Access Point Decision Reports and Hydraulics Reports, identified as codes 121 and 148 (Exhibit F, attachment 11, pages 6 and 9) for the time period of April 2, 2004 through October 29, 2004. I did not consider the time earlier than April 2004 because it was outside the time frame relevant to this review. Also, I did not consider hours charged to code 178 because it is identified as "preparation & drafting of contract plan sheets" (Exhibit F, attachment 11, page 12). Your CQ describes your role in preparing and planning designs as "assisting" in those functions, which is consistent with TE 1 level work.

The total hours you worked on Access Point Decision Reports and Hydraulics Reports from April 2, 2004 through October 29, 2004 totaled 527 hours. The work hours for that seven-month period totaled 1218 (*174 hours per month*) which accounted for 43% of your overall work time during that seven-month period (*527 divided by 1218*).

Note: I based my calculations on the Calculating Percentages Guide located on DOP's website (<http://www.dop.wa.gov/Resources/Forms/>) (Exhibit P).

In reviewing the total hours worked on these projects on a month to month basis from April 2004 to October 2004, I acknowledge you spent more than 50% of your time performing TE 2 level work during the months of May, June, and July 2004. However, the collective bargaining agreement covering your position references a 12-month period of time when considering allocation to a higher-level position. When considering the overall assignment of work to your position over a longer period of time, such as the seven-month period reflected on your spreadsheet and the 23-month period reviewed by WSDOT, the majority of your duties fall within the TE 1 level of work.

At times, positions will perform work in more than one classification, in many instances to provide an incumbent the opportunity to learn higher-level duties within a job series. A position's allocation, however, is based on the *majority* (over 50%) of assigned duties. The Personnel Resources Board (PRB) addresses such an issue in the following decision:

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Your position's allocation is not a measurement of your performance. However, the level of supervision in this case is a factor because the definition of a TE 1 notes "direct supervision," while the definition of a TE 2 describes "general supervision." The level of supervision required is further defined by the *Washington State Classification and Pay Guide* as follows (Exhibit Q):

Direct supervision – work is performed in accordance with specific instructions regarding assignments to be completed and sequence of work steps to be employed. Decision-making authority is limited to clearly defined work procedures, formats and priorities. Work is reviewed for accuracy, and adherence to instructions and established procedures.

General supervision – Recurring assignments are carried out within established guidelines without specific instruction. Deviation from normal policies, procedures, and work methods require supervisory approval, and supervisory guidance is provided in new or unusual situations. The employee's work is periodically reviewed to verify compliance with policies and procedures.

Your CQ indicates close, detailed supervision, which is more consistent with "direct supervision."

In reviewing the information you provided, I note positive comments about the work you perform from TE 3 Julie Nelson and EIT Julie Heilman-Suarez (Exhibit F, attachments 5 & 6). The comments show your commitment to your work, as well as the importance of the work you perform. A position's allocation, however, is limited to the duties and responsibilities assigned and how the majority of those duties best fit into the available job classifications. Therefore, the Transportation Engineer 1 classification best describes your position #50051.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons
Director's Review Supervisor
Legal Affairs Division

c: Janet Kinney, WSDOT
Lisa Skriletz, DOP

Enclosure: List of Exhibits
Copies of Exhibits O, P, & Q